

1901-024 Chancery Causes: H. E. Fugate vs. A. P. Willits
Lee Co.

Ch-Debt
T-Property

-Deed

To the Hon. W. J. Miller Judge
of the Circuit Court of Lee County,
Virginia:

Your Orator H. E. Fugate,
humbly complaining would respectfully represent that A. P. Willis
is indebted to him in the
sum of one hundred fifty dol-
lars with interest thereon from
the 3rd day of June 1892 till
paid & which said indebtedness
is evidenced by the promissory
note of said A. P. Willis to
Henry Fugate which said note
bears date May 3^o 1892 & is
payable thirty days after the
date thereof & that your Orator
& Henry Fugate are one & the
same person. Said note is
herewith filed marked "A" & prayed
to be considered a part hereof.

Your Orator further alleges
that said note is past due
& that no part of the same
has been paid to him, but
the whole of said note is
due & unpaid.

Your Orator will further

show your Honor that the said
A. P. Willits is the owner of all
the standing timber, standing
on the tract of land situated
in said County of Lee & State of Va
of Wm F Gibson & George W Gibson
to M. S. Ball known as their
600 acre tract of land lying about
or between Chadwell & Fulkerson Gap
& copies of said Willits deeds thereto
are herewith filed as a part hereof -

Your Orator will further show
your Honor that the said A. P.
Willits is not a resident
of the State of Virginia, but
that he has debts & debts due
him in the County of Lee & State
of Va & that he is the owner
of the said standing ~~timber~~
timber on the tract of land
aforesaid

The object therefore of this Bill
is to attach the said standing
timber of the said A. P. Willits
on the land aforesaid & have
the same or so much thereof
as may be necessary subject

to the payment of said debt,
interest & cost of this suit.

The prayer therefore of your
Orator is that the said
A.P. Willits be made a party
defendant to this Bill &
answer the same but not
under oath that being waived;
that the said A.P. Willits be
decreed to pay said debt
interest & cost of this suit,
that the said standing tim-
ber of the said A.P. Willits
be attached & that the same
or so much thereof as may
be necessary be decreed to be
sold to pay said debt
interest & cost of this suit
that an order of Publication
be made against said A.P.
Willits as the law requires.
And that such other & further
relief may be granted by your
Orator as is adapted to the
nature of his case & agreeable
to equity. May supra issue
&c. &c. Your Orator will ever pray
&c.

D.P. Sewell P. R.

Nov Term 1896

C 11.57
Tax 1.50
Shff 1.50
Printer 5.00
ally 18.00
Estimated 26.57

~~30.32~~

~~30.32~~

Plffs Costs

C 11.57
Tax 1.50
Shff 1.50
Printer 5.00
ally 18.00
\$33.57

H. E. Ingate

vs Bill Chy

A. P. White

Note Entered & docketed

1895 2nd June rules Bill
filed & pa ~~not docketed~~
Sett & Cont'd for O.P. Cont'd
as to non-resident fall
" 1st July Rules Cont'd
for O.P.
" 2nd July Rules order of
Publication Completed
+ Cause set for hearing
1896 March Term Cont'd.

March Term 1901 Decree
final Order & Book No
page 496
30

3.90
3.50 8.30
1.50
1.00 4.15
3.00 8.30
8.30 12.45

\$150 ⁰⁰/₁₀₀

Philadelphia, Pa. 5 - 3 - 1892

- Thirty days after date I promise to pay
to the order of Henry Fugate

One Hundred ⁰⁰/₁₀₀ Fifty - Dollars

at Philadelphia

Without defalcation value received

No. _____

Due _____

A. P. Willits

100

Handwritten notes in the center, including a large stylized 'A' and various illegible characters.

Handwritten marks at the bottom left, possibly 'w' and 'u'.

Handwritten notes on the right side, including a large '3' and other illegible characters.

1 N.E. Fugate Plff.

2 vs

3 A.P. Millits Dft.

4 } In Chancery

5 This cause came on this the 15th day
6 of November 1895, to be heard upon the
7 bill of the plaintiff and exhibits
8 therewith, the attachment levied on the
9 property in said cause on the 12th day of
10 July 1895, and order of publication
11 made and published against this
12 defendant being a non-resident,
13 and was argued by counsel,
14 On consideration whereof, and it
15 appearing to the Court that said
16 order of publication has been
17 made and published and completed
18 as the law requires for more than
19 fifteen days before the first day
20 of this term of this Court, and that
21 this non-resident-defendant A.P. Mil-
22 lits, failing to appear, and answer
23 plead or answer, the bill is taken
24 for confessed as to him.
25 It is therefore adjudged ordered and
26 decreed that the plaintiff N.E.
27 Fugate recover of the defendant
28 A.P. Millits the sum of \$50⁰⁰, with
29 interest thereon from the 3^d day
30 of June 1892 until paid, and the
31 costs of this suit. And it further
32 appearing to the Court that the
same is a lien, by way of attachment

1 in this cause, upon the standing
2 timber, of the said Mills, in the
3 bill and proceedings mentioned,
4 it is further adjudged ordered
5 and decreed that unless the
6 said defendant A. P. Mills, or some
7 one for him, pays the same within thir-
8 ty days from the rising of this Court,
9 the the sheriff for Lee County Virginia,
10 who is hereby appointed for the
11 purpose, will proceed and sell
12 the said standing trees of the said
13 Mills in the bill and proceedings
14 mentioned, or so much thereof, as
15 may be necessary to pay said debt
16 interest, and costs of this suit. He
17 will make sale by public out-
18 cry to the highest bidder on some
19 court day, at the front door of the
20 Court house for said County, on
21 a credit of six months, except
22 for so much as may be necessary
23 to pay the costs of this suit and
24 commissions of sale, which
25 he will require paid in hand
26 and for the residue take bond
27 payable to himself as sheriff,
28 bearing interest from day of
29 sale, with approved personal
30 security. He will advertise
31 the time, terms, and place of
32 sale, for at least thirty days

1 prior thereto by posting written notices
2 of the same, one of which on the
3 front door of the Courthouse
4 for said County, and at two
5 or more public places in
6 said County, one of which
7 shall be in the neighborhood
8 where said standing trees
9 are situated, But the plaintiff
10 shall not have the benefit of
11 this decree unless and until
12 he shall have given bond
13 before the Clerk of this
14 Court, with sufficient surety,
15 in a penalty of \$300⁰⁰, with con-
16 dition to perform such future
17 order as may be made upon
18 the appearance of the said
19 defendant A. P. Mills, and
20 making his defence.

21 The said Sheriff shall report
22 his actions hereunder to some
23 future term of this Court,
24 and this Cause is continued.
25
26
27
28
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31
32

H. E. Tugate,

W. E. Keene

A. P. Willis,

O. B. P. 308

Enter this

No. 15th 18th

Virginia, Lee County, to wit.

This day H.E. Fugate personally appeared before me, the undersigned & made complaint upon oath, that A.P. Willits, is justly indebted to him in the sum of one hundred & fifty dollars, evidenced by note due & payable thirty days after date & dated May 3^d 1895 & bearing interest 30 days after said date & that the same is wholly unpaid & now due affiant. Affiant further states that said sum of \$150⁰⁰ with its accrued interest is just & payable ~~and~~ above stated & that A.P. Willits is a now resident of the state of Virginia, but have estate in the County of Lee in the state aforesaid, viz a large lot of standing trees belonging to ~~the~~ said A.P. Willits, & that ^{affiant believes} said A.P. Willits intends to dispose of or remove said property out of the state of Virginia so that there will probably not be in said County & state effects of said A.P. Willits sufficient to pay said claim if only the ordinary process of law be used to obtain such judgment Given under my hand, this 25th day of May 1895.

A.B. Munsey Clerk

A. E. Fugate

Affidavit

A. P. Willits

(1)

L. 2. 80

E. 11-25-1891

This Deed made this thirteenth day of July A.D. 1891 Between John Flanagan of the City of Paterson State of Pennsylvania and Carrie B. his wife Frank Benton of the City of Philadelphia State of Pennsylvania and Laura C. his wife Edwin F. Portbridge. of the same City and State and Henrietta N. his wife and Charles A. Foster of Merion State of Connecticut parties of the first part and Archland W. Willets of the City of Philadelphia and State of Pennsylvania party of the second part.

Witnesseth that for and in Consideration of the Sum of Twenty seven hundred and fifty eight dollars cash in hand paid the receipt of the said Twenty seven hundred and fifty eight Dollars. being hereby acknowledged the said parties of the first part do grant unto the said party of the second part with General Warranty the following tracts of land Situated lying and being in the county of Lee and State of Virginia between Chadwells and Fulkersons Gap and the Cumberland Gap Mountain Containing thirteen hundred and seventy nine acres according to a plot and survey made by C. B. Johnson on the first day of September A.D. 1891 and bounded and described as follows. The first tract of land Beginning at a Chestnut near Chadwell Gap a corner

to Willis and Brittons land on Branch of Mountain in
 line of M. S. Ball thence N. 80° W. 54 poles to a hickory
 and Chestnut oak S 85° W. 40 poles to a Chestnut
 S. 75° W. 148 poles to a Hickory S. 35° W. 80 poles to a red oak
 S. 85° W. 76 poles to a chestnut W. 70 Poles to a
 Chestnut N. 10° W. 24 Poles to three Chestnuts
 W. 12 Poles to a large poplar S. 58° W. 116 poles
 to a large Chestnut W. 98 Poles to a Chestnut
 oak N. 30° W. 38 Poles to a chestnut oak
 W. 70 Poles to three Chestnut oaks on a spur.

Thence living Willis and Brittons land N. 23°
 E. 150 Poles to five hickories four black oaks
 and Sugartrees one top of Mountain corner
 to the 1150 acre entry of Gibson N. 35° E. 30
 Poles to three hickories N. 73° E. 25 Poles to
 three hickories S. 71° E. 20 poles to a locust N. 87°
 E. 28 Poles to a stake S. 88° E. 25 Poles to two
 hickories N. 81° E. 32 poles to two hickories N. 24°
 E. 52 Poles to two hickories S. 65° E. 45 Poles to a
 large Chestnut oak S. 80° E. 134 Poles to a hickory
 N. 79° E. 30 Poles to a white oak and large rock
 S. 77° E. 60 Poles to a triple chestnut by a large
 rock N. 54° E. 40 Poles to a locust S. 72° E. 55 Poles to
 two hickories N. 74° E. 65 Poles to a large hickory
 S. 57° E. 120 Poles to two small hickories on top of
 Mountain near large flat rock corner of
 M. S. Ball

(3)

S. 46 Poles with Ball's line to begin
Containing six hundred and sixty three ⁽⁶⁶³⁾
acres And the other tract Beginning at a chestnut
on top of a spur Southeast Corner of M. S. Ball
in Ball's line thence S 86 E. 122 Poles to a stake
a Spur N. 89 E. 48 Poles to two chestnuts by
a large Rock N. 64 E. 161 poles to a stake by
a large rock, Thence center of a spur, line
claimed by Ball and Gibson N. 22 W. 7 Poles to
a small black oak N. 58 1/2 W. 17 Poles to a poplar
N. 22 1/2 W. 5 Poles to a small chestnut N. 22 W. 9
Poles to a large chestnut N. 23 W. 11 Poles to a large
poplar N. 34 W. 23 Poles to a Locust on steep
Bench N. 12 W. 34 Poles to Top of Mountain
Thence with state line S 76 W. 584 Poles to a stake
Corner to M. S. Ball Thence South with Ball's
line 221 Poles to beginning. Containing Seven
hundred and sixty acres ⁽⁷¹⁶⁾ The said Plots are
made a part of this deed to be recorded herewith
and to which reference is hereby made said lands
being a part of a tract granted by the
Commonwealth of Virginia to Nathan
Fields. the said parties of the first part
hereby covenant that they have the right to
convey the said lands to the grantee that they have
done no act to encounter the said lands that
said land grantee shall have quiet possession of the said
land free from all encumbrances and that they the said
parties of the first part will execute such

further assurance of the said lands as may be
requisite

In witness where of the said parties to these presents
have hereunto set their hands and seals Dated the
day and year first above written.

Deed now delivered in John Flanigan.

the presence of us.

F. J. Brinkley

Carrie B. Flanigan

Frank Brenton

as to Frank Brenton Laura

Laura C. Brenton

C. Brenton Edward F. Partridge

Edward F. Partridge

and Henrietta W. Partridge

Henrietta W. Partridge

W. E. Camp Jas. B. Willett

Charley N. Foster

E. N. Merriam

A. E. Austin } As to C. N. F.

State of Virginia

City of Bristol

To wit I F. J. Brinkley a

Notary Public for the City and

State aforesaid do certify that John Flanigan
and Carrie B. Flanigan whose names are signed

to the writings within leaving date on the 9th

day of October 1891 have acknowledged the same before

me in my City and State aforesaid Given

under my hand this 9th day of October 1891

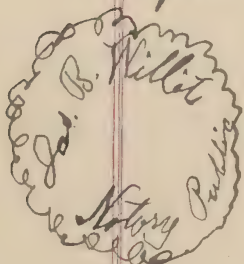
F. J. Brinkley

Notary Public

State of Pennsylvania }
County & City of Philadelphia }

On the Thirteen day of October
Annos Domini 1891 before me the under signed
a Notary Public in and for the Commonwealth
of Pennsylvania residing in the City of
Philadelphia personally appeared the above
named Frank Brenton and Laura C. his
wife Edward F. Partridge and Henrietta
his wife and in due form of law
acknowledged the within indenture to be their
each of their act and deed and desired the same
might be recorded as such and the Said Laura C.
Brenton and Henrietta H. Partridge being of
full age and apart from their said husbands
by me thereon privately examined and the
full contents of the within deed being by me first
made known unto them did thereupon declare
and say that they did voluntarily and of
their own free will and accord sign seal and
as their act and deed deliver the within
written Instrument deed or conveyance without
any coercion or compulsion of their said husbands
witness my hand Notaria seal the day and year
aforesaid

Jas. B. Willits.
Notary Public.



(E)

State of Connecticut }

County of New Haven }

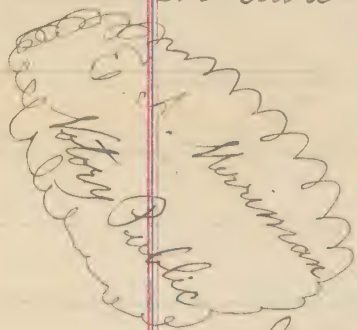
Made on October 14th 1891.

Personally appeared Charles

V. Foster Signor and sealer of the foregoing instrument and acknowledged the same to be his free act and deed before me

3 E. A. Merriman

3 Notary Public.



State of Pennsylvania }

County of Philadelphia S. S. }

I William P. Manor

Prothonotary of the

Court of common Pleas of said county which are courts of records having common seal being the officer authorized by the laws of the State of Pennsylvania to make the following Certificate do certify that Joseph B. Willits Esq. whose name is subscribed to the certificate of the acknowledgment of the annexed instrument and thereon written was at the time of such acknowledgment a Notary Public for the Commonwealth of Pennsylvania residing in the county aforesaid duly sworn and qualified to administer oaths and officiate and to take acknowledgements and proofs of deeds or conveyance for lands tenements and hereditaments in some State of Pennsylvania and

(7)

to all whose acts as such full faith and credit
are and ought to be given as next in courts of
judication as elsewhere, and that I am well
acquainted with the hand writing of the said
Notary Public and every believe his signature
thereon is genuine and I further certify that
the said instrument is executed and acknowledged
in conformity with the law of the state of Penn-
sylvania in testimony whereof I have set my
hand affixed the seal of said court this 15 day of
October in the year of our lord one thousand
eight hundred and ninety one.

William B. Mason
Protome



State of Connecticut
County of New Haven
of fice I Edward Ankeloff clerk of the
supress court and officer of the county court
the same being Court of record and authorized
by law to certify the records of said county court
within and for Newhams county and Keeper
of the seal thereof and of the Commission of
justice of the peace and of the commission of
the Supreme court for said county and of
Notaries Public hereby certify that E. A. Meriman
Esq. was on the 14 day of October 1891 ever sworn
has been and now is a Notary Public within
and for and residing in

8

Said County duly appointed Commission
 and sworn having full power and
 authority by the laws of this state to take
 the acknowledgement of deeds and other
 instruments and to certify the same and
 also administer oaths to take affidavits
 and depositions of Court and to give
 Certifications thereof that full faith and
 Credit may and ought to be given to
 his official acts and attestations
 that the signature to the instrument
 hereto annexed purporting to be his I
 believe to be his genuine official Signature
 that I am well acquainted with his hand
 writing and that the said instrument is
 executed acknowledged ~~and~~ duly
 authenticated according to the laws of this state
 In testimony whereof I have hereunto set my
 hand and affixed the seal of said county
 at Newhaven in said county and state
 on this the 15 day of October 1880

Edward A. Antkull.

Virginia Lee County Twit Clerk

In the office of the clerk of the said county
 the 14 day of November 1881 this deed was
 presented and together with the certificates
 thereto annexed admitted to record Test John R.
 Gibson clerk. A Copy Teste J. A. G. Hyatt
 D. C.

Q

Hyatt

Know all Men by these Presents, That we H. E. Fugate

are held and firmly bound unto the Commonwealth of Virginia, in the sum of \$500.00
Five hundred dollars, to the payment whereof, well and truly to be made to
 the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs,
 executors, and administrators, jointly and severally, firmly by these presents. And we hereby
 waive the benefit of our homestead exemptions as to this obligation, and any claim or right
 to discharge any liability to the Commonwealth arising under this bond or by virtue of said office,
 post or trust, with coupons detached from the bond of this State. Sealed with our seals, and
 dated this 25th day of May five one thousand eight hundred and ninety

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas a suit hath
been instituted in the Circuit Court of the
County of Lee by H. E. Fugate vs. A. P.
Willits in which an attachment is or-
dered against the estate of said A. P. Willits
to secure the payment of \$150.00 due
and payable June the 3rd 1895
Now if the above bond Henry Fugate
shall well and truly pay all such fees
as are due or may become due to the officers
of the said Court in the prosecution of the said
suit, and moreover shall well and truly pay
to the defendant all such costs and damages
as may be awarded to him in case the plaintiff
shall be cast therein, and condemned to pay
the same,

then this obligation to be void or otherwise to remain in full force and virtue.

H. E. Fugate,

[SEAL.]

A. M. Gains

[SEAL.]

S. F. Minton

[SEAL.]

In the Circuit Court of the County of Lee, the _____ day of _____
 189 .

This bond was executed and acknowledged, in open Court, by the obligors, and ordered to
 be recorded, _____

the suret therein having first justified on oath that _____ estate, after the payment of all
 _____ just debts, and those for which he _____ bound as security for others and expect
 to have to pay, _____ worth the sum of _____
 dollars, over and above all exemptions allowed by law.

Teste:

 Clerk.

H. E. Fugate

vs {

BOND.

A. P. Willits

~~Conjunctive~~

In the Clerk's Office of the Circuit Court of the County of

H. E. Fugate Plaintiff
against

A. P. Willits Defendant

In Chancery

This day H. E. Fugate personally appeared
before me, A. B. Mursey Clerk of the said Court,
and being duly sworn, made oath that A. P. Willits

defendant in the said suit not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 25th day of May

1895-

A. B. Mursey Clerk

H. C. Fugate

vs. }

AFFIDAVIT FOR ORDER
OF
PUBLICATION.

A. P. Willits

Oridemores S. p. q.

In the Clerk's Office of the Circuit Court of the County of
Lee on the 25th day of May 1895.

H. C. Fugate Plaintiff
against
A. P. Millits Defendant.

In Chancery

The object of this suit is to recover against the defendant A. P. Millits
the sum \$150.00 with interest and costs and to subject
to the payment of the same the standing timber, logs, personal
property etc mentioned in the bill which has been attached for the purpose
And an affidavit having been made and filed that the defendant A. P. Millits

^anot resident of the State of Virginia, it is ordered that he do appear here, within fifteen
after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is
further ordered that a copy hereof be published once a week for four weeks in the South West
Virginian, and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the County Court.

A copy—Teste:

D. C. Sewell p. q.

A. B. Munsey Clerk.

H E Fugate

VS.

ORDER
OF
PUBLICATION.

A P Willits

I A B Munsey
Clerk of the Circuit
Court of Lee County
do certify that I
posted a copy of
the within order of
Publication ^{at the July term 1893} as the law
directs at the front
door of the Courthouse
of Lee County Va
Given under my
hand this the 18th
day of July 1893

A B Munsey
Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *A P Willits*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *3rd* Monday in *July*, 189*8*; to
answer a bill in Chancery, exhibited against *him* in our said court by
N E Fugate.

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the
court-house, the *19th* day of *June*, 189*8*, and in the *119th*
year of the Commonwealth.

A B Munsey Clerk.

A Copy
Teste A B Munsey Clerk

Not executed on the defendant A.P. Willits, he not being found
in my bailiwick, but executed by attacking the standing timber
belonging to A.P. Willits on the lands of Geo W. & Wm F. Gibson
as shown by deed to said A.P. Willits from John Flanagan &
others recorded in deed book 27 page 303 in the Lee County
court clerk's office & bounded as follows, - Beginning at a
chestnut near Chadwell Gap a corner to Willis & Brittain land
on the Bench of the mountain in a line of M.S. Ball, ~~standing~~
N 80° W 54 poles to a hickory & chestnut S 75° W 148 poles to a
hickory S 75° W 80 poles to a red oak S 85° W 76 poles to a
chestnut, N 78 poles to a chestnut, N 40° W 24 poles to three
chestnuts, N 12 poles to a large chestnut, W 98 poles to a
chestnut oak N 30° W 38 poles to a chestnut oak W 70 poles
to three chestnut oaks on a spur then leaving Willis &
Brittain land N 23° E 150 poles to five hickories four black oaks
& sugar trees on top of mountain corner to the 1150 entry of
Gibson N 55° E 30 poles to three hickories N 83° E 25 poles to
three hickories S 71° E 20 poles to a locust N 87° E 20 poles
to a stake, S 85° E 78 poles to two hickories N 81° E 32 poles to
two hickories N 44° E 52 poles to two hickories S 65° E 48

❁CERTIFICATE OF ORDER OF PUBLICATION.❁

WE, A. M. Goins and W. M. Davidson, editors of the **SOUTHWEST VIRGINIAN**, a weekly newspaper published at Jonesville, Lee county, Va., do hereby certify that the annexed notice was published in said paper once a week for four successive weeks, commencing on the

4 day of July 1895.

A. M. Goins
W. M. Davidson } EDITORS.

VIRGINIA: In the Clerk's Office of the Circuit Court of the County of Lee on the 25th day of May, 1895.

H. E. Fugate, Plaintiff.
A. P. Willits, Defendant.

In Chancery.

The object of this suit is to recover against the defendant, A. P. Willits, the sum of \$150 with interest and costs and to subject to the payment of the same the standing timber, leg personal property etc. mentioned in the bill which has been attached for the purpose. And an affidavit having been made and filed that the defendant, A. P. Willits is not a resident of the State of Virginia, it is ordered that he do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Southwest Virginian, and that a copy be posted at the front door of the court-house of this county on the first day of the next term of the county court.

A copy--Teste:

A. B. MUNSEY, Clerk.

D. C. Sewell p. q.

jy4 4w

Publication

\$500 Fee